



Entered on Docket
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DUPLICATE PROOFS OF
CLAIM**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Liquidating
2 Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No. 6728] (the
3 “Objection”); with appearances as set forth in the record at the hearing noted above;
4 appropriate notice of the Objection having been given; one response to the Objection
5 having been filed by Robert A. Russell, which clarified that the two claims at issue are
6 duplicate claims, but asked that the Court dismiss Claim No. 10725-01088 instead of
7 Claim No. 19725-00493 as requested by the Objection; and good cause appearing:

8 **IT IS HEREBY ORDERED** that:

- 9 1. The Objection is sustained;
- 10 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their
11 entirety. Exhibit A has been modified from the form of exhibit attached to the Objection
12 to accommodate Mr. Russell’s request that claim 10725-01088 be disallowed and 10725-
13 00493 survive this objection; and
- 14 3. The surviving claims listed on Exhibit A to this Order are not affected by
15 this Order, but may be subject to further objection.
- 16

17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ John Hinderaker (018024)

20 Rob Charles
John Hinderaker
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25


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LEWIS
AND
ROCA
LLP
LAWYERS

1 APPROVED/DISAPPROVED

2

3 By: _____
4 August Landis
5 Assistant United States Trustee

6 By:  _____
7 Susan Scann
8 Attorney for Robert Russell

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party: Susan Scann	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

EXHIBIT A

USA – DUPLICATE CLAIMS TABLE

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Michelle Revocable Trust Dtd 05/03/02 Diana Forde Ttee 4956 Ridge Dr #83 Las Vegas, NV 89103	10725-00034	\$30,788.99	The claim is based on investment in Amesbury/Hatters Point and is a duplicate of Claim #10725-02540. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00034 be disallowed in its entirety.	10725-02540	\$30,788.99
A-1 Security 917 South First Las Vegas, NV 89101	10725-00096	\$ 3,997.77	The claim is based on parts used and services performed on 3/15/06 and is a duplicate of Claim #10725-00432. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00096 be disallowed in its entirety.	10725-00432	\$ 3,997.77
Jwb Investments Inc Pension Plan 2333 Dolphin Ct Henderson, NV 89052-5320	10725-00164 10725-00192	\$101,493.06 \$101,493.06	These claims are based on capital for Marlton Investment. They are exact duplicates and are both amended by Claim #10725-00815. The USACM Liquidating Trust requests claim #10725-00164 and 10725-00192 be disallowed in their entirety.	10725-00815	\$108,506.96

USA – DUPLICATE CLAIMS TABLE

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Ramon L & Linda L Snyder Family Trust Dtd 10/14/98 Ramon L & Linda L Snyder Ttees 405 Grayeagle Ct Lincoln, CA 95648-8676	10725-00343	\$125,000.00	The claim is based on investment in Oak Shores II and is a duplicate of Claim #10725-00645. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00343 be disallowed in its entirety.	10725-00645	\$125,000.00
Valon R Bishop Trust Dtd 5/7/03 c/o Valon R Bishop Trustee P.O. Box 50041 Reno, NV 89513-0041	10725-00412	\$30,131.00	The claim is based on investment in Copper Sage Commerce Center, LLC and is a duplicate of Claim #10725-00504. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00412 be disallowed in its entirety.	10725-00504	\$30,131.00
Marrs, Bobbie 5753 Bedrock Springs Ave Las Vegas, NV 89131	10725-00444	\$131,278.90	The claim is based on investment in Oak Mesa Investors, LLC/Fiesta Oak Valley and is a duplicate of Claim #10725-00445. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00444 be disallowed in its entirety.	10725-00445	\$126,278.90

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Jane Hendler 4154 Saint Clair Ave Studio City, CA 91604-1607	10725-00446	\$71,160.43	The claim is based on investment in Roam Development Group and is a duplicate of Claim #10725-00447. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00446 be disallowed in its entirety.	10725-00447	\$71,160.43
Frank Davenport 3372 Narod St Las Vegas, NV 89121-4218	10725-00475	\$5,404.37	The claim is based on investment in Beau Rivage and is a duplicate of Claim #10725-02546. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00475 be disallowed in its entirety.	10725-02546	\$5,404.37
Russell, Robert A 8585 E Hartford Dr., Ste. 500 Scottsdale, AZ 85255	10725-01088	\$140,000.00	The claim is based on consulting services and is a duplicate of Claim #10725-00493. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01088 be disallowed in its entirety.	10725-00493	\$140,000.00

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Alice Humphry & Valerie Jaeger 3825 Champagne Wood Dr North Las Vegas, NV 89031-2056	10725-00587	\$84,726.00	The claim is based on investment in Amesbury/Hatters Point and Margarita Annex and is a duplicate of Claim #10725-02451. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00587 be disallowed in its entirety.	10725-02451	\$84,726.00